

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:18-CV-565-D

PATRICK SOLOMON,)
Plaintiff,)
v.)
WAKE COUNTY SHERIFF,)
Defendant.)

ORDER

On November 21, 2018, Patrick Solomon (“Solomon” or “plaintiff”), appearing pro se, applied to proceed in forma pauperis under 28 U.S.C. § 1915 [D.E. 1]. On November 26, 2018, the court referred the motion to Magistrate Judge Gates for frivolity review [D.E. 4]. On December 3, 2018, Magistrate Judge Gates issued a Memorandum and Recommendation (“M&R”) [D.E. 5] and recommended that Solomon’s application to proceed in forma pauperis be granted and that the complaint be dismissed as frivolous. Solomon did not object to the M&R.

“The Federal Magistrates Act requires a district court to make a de novo determination of those portions of the magistrate judge’s report or specified proposed findings or recommendations to which objection is made.” Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (emphasis, alteration, and quotation omitted); see 28 U.S.C. § 636(b). Absent a timely objection, “a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Diamond, 416 F.3d at 315 (quotation omitted).

The court has reviewed the M&R and the record. The court is satisfied that there is no clear error on the face of the record. Accordingly, the court adopts the conclusions in the M&R [D.E. 5].

In sum, Solomon's application to proceed in forma pauperis [D.E. 1] is GRANTED and Solomon's complaint is DISMISSED as frivolous. The clerk shall close the case.

SO ORDERED. This 27 day of December 2018.

J. Dever
JAMES C. DEVER III
United States District Judge